SINGLE BENCH (4)

C- 2300/- (1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION(S) No. 4926 OF 2006

PETITIONERS:-

1. Sitaram Sahuson of Nanhuram Sahu aged about 36 years, occupation: Assistant Teacher, presently posted at Government Primary School, Sonpuri, Block Pandariya, dist. Kabirdham (C.G)

2. Shaikh Ayub son of Shaikh Kusu, aged about 35 years, occupation: Assistant Teacher, presently posted at Government Primary School, Sendurkhar, Block Pandariya, dist. Kabirdham(C.G)

3. Kaleshwar Prasad Sahu son of Dwarika Prasad Sahu, aged about 37 years, occupation: Assistant Teacher, presently posted at Government Primary School Pranakapa, Block Pandariya, dist.Kabirdham(C.G)

4. Jhalliram Ratrey son of Bisauram Ratrey, aged about 37 years, occupation: Assistant Teacher, presently posted at Government Primary School, Andhiyarkhore, Block Pandariya, dist.Kabirdham(CG)

5. Smt. Rekha Singh, wife of Len Singh, aged about 41 years, occupation: Assistant Teacher, presently posted at Government Primary School Mehali, Block Pandariya, dist.Kabirdham(CG)

6. Smt.Sulekha Singh, wife of Len Singh, aged about 36 years, occupation: Assistant Teacher, presently posted at Surajpura Government Primary School, Block Pandariya, dist. Kabirdham (CG)

7. Smt. Sheela Mishra, wife of Shrikrishna Mishra, aged about 37 years, occupation Assistant Teacher, presently posted at Government Primary School Kunda, Block Pandariya, dist.Kabirdham (CG)

8. Smt. Vandana Dani, wife of Rajesh Mashi, aged about 37 years, occupation: Assistant Teacher, presently posted at Government Primary School Dhaneli, Block Pandariya, dist.Kabirdham(CG)

P.R.No. 4744/06
Presented by Sailesh Ahuja 23/8/06
dated.....

RECEIVED-COPY
28/08/06
CLERK to A. G. BILASPUR

PETITIONERS:-

9. Balmukund Maheshwari, son of Laxminarain, aged about 36 years, occupation: Assistant Teacher, presently posted at Government Primary School, Soda, Block Pandariya, Dist.Kabirdham(C. G)

10. Suresh Kumar Chelkar son of Chhedilal Chelkar, aged about 39 years, occupation: Assistant Teacher, presently posted at Government Primary School Roose, Block Pandariya, Dist.Kabirdham (CG)

11. Shyam Bharose Sonwani son of Samaruram Sonwani, aged about 36 years, occupation: Assistant Teacher, presently posted at Government Primary School Maugaon, Block Pandariya, dist. Kabirdham (C. G)

12. Vijaylal Farvi, son of Rameshwar Prasad Farvi, aged about 41 years, occupation: Assistant Teacher, presently posted at Government Primary School, Roosekapa, Block Pandariya dist. Kabirdham (CG)

13. Makhanlal Sonwani son of late Chotelal Sonwani, aged about 38 years, occupation: Assistant Teacher, presently posted at Goverrmment Higher Secondary School Pandariya, dist.Kabirdham(CG)

14. Pawan Singh Chendel son of Gopi Singh Chendel, aged about 35 years, occupation: Assistant Teacher, presently posted at Government Higher Secondary School, Neurgaon, Block Pandariya, dist.Kabirdham(CG)

15. Gurwaram Karsh son of Kheduram Karsh, aged about 49 years, occupation: Assistant Teacher, presently posted at Government Higher Secondary School Sawantpur, Block Pandariya, dist. Kabirdham (CG)

16. Krush Ramchandra son of Trilochan Prasad, aged about 38 years, occupation: Assistant Teacher, presently posted at Government Higher Secondary School Beejabhata, Block Pandariya, dist. Kabirdham (CG)

17. Krishnanand Chowbey sonof Dhaniram Chowbey, aged about 37 years, occupation: Assistant Teacher, presently posted at Government Higher Secondary School Roha, Block Pandariya, dist. Kabirdham (CG)

PETITIONERS:-

18. Smt. Sheela Kesharwani wife of Anil Kesharwani, aged about 45 years, occupation: Assistant Teacher, presently posted at Government Higher Secondary School Padhi, Block: Pandariya, dist. Kabirdham(CG)

19. Ghanshyam Kumar Dewangan, son of Omjilal Dewangan, aged about 36 years, occupation: Assistant Teacher, presently posted at Government Higher Secondary School Kumhi, Block Pandariya, dist. Kabirdham(CG)

20. Santosh Kumar Shrivas son of Pancharam Shrivas, aged about 35 years, occupation: Assistant Teacher, presently posted at Government Higher Secondary School Polmi, Block Pandariya, dist. Kabirdham(CG)

21. Jeevanlal Dewangan son of Ramu Dewangan, aged about 37 years, occupation: Assistant Teacher, presently posted at Government Higher Secondary School Birkona, Block Pandariya, dist.Kabirdham(CG)

22. Tularam Kashyap, son of Puranlal Kashyap, aged about 37 years, occupation: Assistant Teacher, presently posted at Government Higher Secondary School Ghograkala, Block Pandariya, dist.Kabirdham(CG)

23. Arjunlal son of Chaitram Sonwani, aged about 37 years, occupation: Assistant Teacher, Presently posted at Government Higher Secondary School, Hatmudi, Block Pandariya, dist.Kabirdham(C.G).

VERSUS

RESPONDENTS:-

1. State of Chhattisgarh: through: Secretary, School Education Department, D.K.Bhawan, Raipur(CG)

2. District Education Officer, dist. Kabirdham(CG)

3. Block Education Officer, Block Pandariya, dist.Kabirdham(CG)

...4

WRIT PETITION UNDER ART.226/227 OF THE CONSTITUTION OF INDIA.

64

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 4926 of 2006

Petitioner: Sitaram Sahu and others

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Shailesh Ahuja, counsel for the petitioners.

Shri Sandeep Yadav, Deputy Government Advocate for the Respondents.

ORDER

(8th September, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. By this petition under Article 226/227 of the Constitution of India the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointments in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in O.A. No. 1452/98 (Harish Chand Singh & others Vs. State of M.P. & others) dated 31.1.2000.

2. Learned counsel for the petitioners invited attention of this Court to Annexure P/3, which is a copy of the order dated 6.4.2005 passed by this Court in Writ Petition No. 1890/2003 (Chhattisgarh Shikchak Sangh Vs. State of Chhattisgarh & others) and submits that the petitioners are similarly situated, therefore the similar order may be passed.

3. The case of the petitioners is that they were appointed as Upper Division Teachers in the School Education Department on probation for a period of two years with the fixed salary. However, later on after completion of two years tenure the petitioners were regularized but they were not given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for

(65)

regular pay scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated Upper Division Teachers but the respondents have not paid any heed. Thus, they are constrained to file this petition.

4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to the Respondent No. 1 to give similar treatment to the petitioners and the same pay scale which have been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31.1.2000, to which learned State counsel has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to the respondent No. 1, raising all their grievances and in turn the Respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in O.A. No. 1452/98.

6. With the direction aforesaid, the petition stands disposed of finally. No order as to costs.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge

Thakur